

PROB 12C
Rev 2/03RE: DUNCAN, John AKA: Jovanni Mangotti
1:02CR00100

United States District Court

for

Southern District of Ohio

AMENDED Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: John Duncan AKA: Jovanni Mangotti Case Number: 1:02CR00100

Name of Sentencing Judicial Officer: The Honorable Walter Herbert Rice,
United States District Court Judge

Date of Original Sentence: July 26, 2006

Original Offense: 1) Conspiracy, a Class D felony, in violation of 18 U.S.C. § 371
2) Bank Fraud, a Class B Felony, in violation of 18 U.S.C. § 1344.
3) Conspiracy to Defraud the Government with Respect to
False Claims, a Class C felony, in violation of 18 U.S.C. § 286.

Original Sentence: 59 month(s) prison, 60 month(s) supervised release

Type of Supervision: Term Of Supervised Release Date Supervision Commenced: December 19, 2006

Assistant U.S. Attorney: Vipal Patel, Esq. Defense Attorney: Kevin J. Spiering, Esq.

PETITIONING THE COURT

A warrant was previously issued and a detention order was issued.
 To issue an Order to Appear and Show Cause
 To grant an exception to revocation without a hearing.

Violation Number Nature of Noncompliance

#1 **Standard Condition: You shall not commit another Federal, state, or local crime and shall not illegally possess a controlled substance**

On December 3, 2007, the Grand Jury for the Warren County, Ohio Common Pleas Court returned a three count indictment charging the defendant with Passing Bad Checks and two counts of Forgery. The second Forgery charge is a misdemeanor of the first degree, and the remaining charges are felonies of the fifth degree. It is alleged that on July 1, 2007, Mangotti did issue or transfer or cause to be issued or transferred a check or other negotiable instrument knowing that it would be dishonored or that payment would be stopped. It is also alleged that on July 1, 2007, Mangotti fraudulently uttered or possessed with purpose to utter a writing which he knew to be forged, and that he forged an identification card.

PROB 12C
Rev 2/03

2

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#2

Special Condition #8: The defendant shall reside in and participate in a community corrections center as instructed by the probation officer, but not longer than 120 days.

The offender was a resident of the Talbert House in Cincinnati and was to be discharged on Monday, June 25, 2007. He was unsuccessfully discharged on June 22, 2007 when he failed to return to the facility.

U.S. Probation Officer Recommendation:

A warrant was previously issued by the Court as a result of the original petition sent to the Court on June 22, 2007. This amended petition is intended to update the petition for revocation. It is respectfully requested that the Court allow this officer to withdraw Violation Number One of the original petition which alleged the defendant committed the offense of Aggravated Assault. These charges were dismissed by Warren County, Ohio authorities. However, Mangotti has recently been indicted in the Warren County, Ohio Court of Common Pleas for one count of Passing Bad Checks and two Counts of Forgery. This officer now seeks to amend the original petition and charge the offender with the alleged violations noted above.

Mangotti was apprehended on the Federal warrant on August 27, 2007, and he remains in the custody of the United States Marshall's Service. He is awaiting further proceedings regarding the new Warren County charges. Based on the fact the new charges involve criminal conduct which is similar to the offender's instant offense and prior convictions, this officer is respectfully recommending the Court revoke the term of supervised release. This officer also believes a new initial appearance must be held by the Court regarding the new allegation.

The term of supervision should be

Revoked.
 Extended for years, for a total term of years.
 Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
 The conditions of supervision should be modified as follows:

I declare under penalty of perjury that

the foregoing is true and correct.

Executed on December 6, 2007



Thomas A. Barbeau

U.S. Probation Officer

Date: December 6, 2007

by



Robert C. Frommeyer, Jr.

Supervising U.S. Probation Officer

Date: 12/6/07

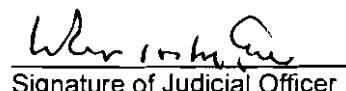
THE COURT ORDERS:

No Action
 The Court finds that there is probable cause to believe the defendant has violated the conditions of his supervised release.

The Issuance of an Order to Appear and Show Cause

The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.

Other


 Signature of Judicial Officer

12-11-07

Date